

contained insufficient quinine sulphate to constitute an adequate treatment for such ailments when administered according to directions, namely: "9 to 9 is a medicine for * * * Malaria, Chills and Fever, Intermittent and Remittent Fever * * * Directions: For adults: One tablespoonful in water every three hours, until it acts. Then three times a day." The labeling contained further curative and therapeutic claims that were not justified by the composition of the product.

On June 18, 1929, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2½ dozen large-sized bottles and 16½ dozen small-sized bottles of the said Laxative 9 to 9 Health, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the 9 to 9 Pharmacal Co., from Philadelphia, Pa., in various consignments on or about November 1 (8), December 1, and December 7, 1928, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of quinine sulphate (0.55 grain per fluid ounce), magnesium sulphate, ferric chloride, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Health * * * Recommended for Liver, Stomach, Kidneys, Blood * * * La Grippe, Fever, Chills;" (circular) "Breaks * * * Fevers * * * Health * * * 9-To-9 is a medicine for * * * Malaria, Chills and Fever. Intermittent and Remittent Fever, LaGrippe, Influenza, * * * 9-To-9 is the most active medicine known to reduce Fever * * * It kills the Germs that cause the * * * Fever. You can take it while the Fever is on or off. * * * For * * * La Grippe we know of no remedy better than 9-To-9. Three or four doses generally give relief. * * * 9-To-9 is a fine tonic for pale people. It builds up the blood corpuscles to a red, healthy condition, giving a natural, healthy complexion. * * * acts on the liver and kidneys, aiding them in throwing off the impurities, preventing Auto-Intoxication * * * It is a wonderful Strengthener. * * * Preventive: 9-To-9 is a splendid preventive, so do not wait until you are so ill you are confined to your bed. If you have no appetite * * * feverish, have headache or that tired feeling * * * take three or four doses of 9-To-9 and see how much better you will feel. If you have been poisoned by mosquitoes, take a few doses to keep off the fever."

On November 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18380. Adulteration and misbranding of ether. U. S. v. 75 ¼-Pound Cans, et al., of Ether. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25908, 25909, 25912. I. S. Nos. 26919, 26920, 26921, 26922. S. Nos. 4163, 4166, 4168.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On or about February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of certain quantities of ether, namely, thirty-one 1-pound cans shipped on or about August 9, 1930, forty 1-pound cans shipped in October (October 6) 1930, and 75 quarter-pound cans shipped on or about December 13, 1930. It was alleged in the libels that the article had been shipped by Merck & Co., St. Louis, Mo., in interstate commerce into the State of Texas, that it remained in the original packages at Dallas, Tex., and that it was adulterated and misbranded in violation of the food and drugs act. A portion of the article was labeled in part, "Ether U. S. P.," and the remainder was labeled in part, "Ether for Anesthesia U. S. P."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as determined by the test for ether laid down in the said pharmacopoeia at the time of investigation, since it contained peroxide.

Misbranding was alleged for the reason that the article was labeled, "Ether U. S. P." or "Ether for Anesthesia U. S. P.," which labels were false and misleading in that they led the public to believe that the article was ether which conformed to the standard of purity laid down in the United States Pharmacopoeia, whereas it did not.

On May 15, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18381. Misbranding of Phyllosan. U. S. v. 70½ Dozen Bottles of Phyllosan. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25102 to 25112, incl., 25114 to 25119, incl., 25121, 25122, 25124, 25125, and 25126. I. S. No. 6010. S. No. 3374.)

Examination of a drug product, known as Phyllosan, from the shipment herein described having shown that the cartons, bottle label, and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Tennessee.

On September 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70½ dozen bottles of Phyllosan, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped by Lightfoot & Schulz Co., from New York, N. Y., on or about June 27, 1930, and had been transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The libel set forth the following statements from the labeling: (Display carton) "Builds Red Blood * * * Recommended for Anemia, High Blood Pressure, Hardening of Arteries, Malnutrition, Run-down condition;" (retail carton) "Stimulates Blood Making Organs, Builds Red Blood, Invigorates and Energizes;" (bottle label) "Builds Red Blood, Stimulates Blood Making Organs, Increases the Number of the Red Cells and the Hemoglobin * * * and Improves Metabolism."

Analysis of a sample of the article by this department showed that the tablets contained chlorophyll and compounds of calcium, aluminum, and iron, coated with sugar.

Misbranding of the article was alleged in the libel for the reason that the statements on the display cartons, on the retail cartons, and on the bottle, and especially in the circular accompanying each bottle, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

The statements which formed the basis for the seizure recommendation included the curative and therapeutic claims from the cartons and bottle labels above quoted, also the following statements contained in the circular referred to in the libel: "Read These Remarkable Reports [testimonials of Physicians] * * * The Practitioner—'Clinical experiments show that it brings about an increase of physical and vital forces.' * * * Health—'Phyllosan is deserving of very much wider application in the combat with disease.' * * * Medical Weekly—'Report on a large series of cases of Arteriosclerosis and other cardiac conditions: "In addition to the strengthening of the heart may be added an action of releasing vessel cramp with a general vitalizing effect. Together with this improvement a drop in blood pressure occurs simultaneously." * * * The Westminster Gazette—'It has been welcomed at several London hospitals, where patients have been rejuvenated by a course of treatment.' * * * 'A child has been here three months, so weak that she could not cry. Her condition improved considerably, and she was able to sit up and laugh and cry when necessary, and is a new creature. No doubt a splendid result and it can only be attributed to Phyllosan.' * * * Start Taking Phyllosan Today! It revitalizes and invigorates! * * * Invigorates the Blood. * * * What 'Phyllosan' Does: 1. Renews and revitalizes the blood by increasing its red cells and haemoglobin content, and accordingly definitely fortifies bodily resistance against disease. 2. Helps revitalize and energize the whole human organism. 3. Fills every body cell with renewed, vital energy, and increases the physical and vital forces, irrespective of age. 4. Invigorates the arteries, helps restore their elasticity, thus preventing and reducing high blood pressure in many cases. 5. Stimulates the heart muscles, thereby fortifying and strengthening the action of the heart. 6. Because of its stimulating effect on the blood